

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOTT ZUCKERBERG,  
and FACEBOOK, INC.,

Defendants.

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**ORDER**  
10-CV-00569-A

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for pretrial proceedings. On March 26, 2013, Magistrate Judge Foschio filed a Report and Recommendation, Dkt. No. 651, recommending that the Motion to Dismiss of defendants Mark Elliott Zuckerberg and Facebook, Inc., Dkt. No. 318, should be granted in an exercise of the Court's inherent authority on the ground that the purported contract upon which the action is predicated is a fabrication and, alternatively, because of spoliation of evidence by, or on behalf of, plaintiff Paul D. Ceglia. The Magistrate Judge further recommends that defendants' motion for judgment on the pleadings, Dkt. No. 320, be denied as moot.

The Court has carefully reviewed the Report and Recommendation, the objections, responses and all the relevant pleadings, and upon *de novo* review it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), for the reasons set forth in Magistrate Judge Foschio's admirably well-reasoned Report and Recommendation,

Dkt. No. 651, defendants' motion to dismiss, Dkt. No. 318, is granted in an exercise of the Court's inherent authority on the ground that the purported contract upon which the action is predicated is a fabrication and, alternatively, because of spoliation of evidence by, or on behalf of, plaintiff, and defendants' motion for judgment on the pleadings, Dkt. No. 320, is denied as moot.

The Clerk of Court shall enter judgment for defendants and terminate the case.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 25, 2014